

**In The High Court for the States of Punjab and Haryana
At Chandigarh**

CRM-M-53084-2019 (O&M)
Date of Decision:- 17.12.2019

Parminder Kumar @ Binder

... Petitioner

Versus

State of Punjab

... Respondent

CORAM: HON'BLE MR. JUSTICE GURVINDER SINGH GILL

Present:- Mr. Saurav Bhatia, Advocate, for the petitioner.

Ms. Rashmi Attri, AAG, Punjab.

GURVINDER SINGH GILL, J. (Oral)

1. Petitioner-Parminder Kumar @ Binder has approached this Court seeking grant of regular bail in a case registered vide FIR No.107, dated 10.8.2018, registered at Police Station Balachaur, District SBS Nagar, under Sections 302, 363, 366, 364, 201, 120-B IPC.
2. The FIR was lodged at the instance of Surinder Pal wherein it has been alleged that his daughter aged about 19 years was working in the office of Vodafone and used to leave home for work in the

morning and used to return back by 6 pm. It is alleged that his daughter went to office on 1.8.2018 in the morning as per routine but her employer Vijay Rana called him and informed that the complainant's daughter had not turned up for work. The complainant tried to contact her daughter telephonically but was unable to get in touch with her. However, later at about 10 pm. when complainant's daughter took the call made by the complainant, she stated that "*mai mar jana hai*" (I am going to die). Upon inquiry she disclosed that she was far away but subsequently when complainant's wife and her younger daughter spoke to her she stated that she was quite nearby and would return back in the morning.

3. It is further the case of the prosecution that the petitioner was never recovered. Subsequently on the basis of supplementary statement of the complainant the petitioner came to be nominated as an accused. The complainant in his supplementary statement had stated that Darbara Singh had informed that he had seen Kulwant Singh co-accused and complainant's daughter going together towards Ropar. The complainant further stated therein that he strongly suspected that his daughter had been pushed in canal by Kulwant Singh-co-accused. It is further the case of the prosecution that subsequently upon arrest of Kulwant Singh, his disclosure statement was recorded wherein he has stated that the petitioner-Parminder Kumar had taken away the complainant's daughter from her place of work and that petitioner was to take her to Naina Devi but subsequently there was some change in program. It is further the case of the prosecution that

statement of Darbara Singh was also recorded who stated that he had seen co-accused Kulwant Singh in the company of the complainant's daughter on 1.8.2018.

4. Learned counsel for the petitioner has submitted that he has falsely been implicated in the present case which is in fact a case based totally on circumstantial evidence and that falsity of the case would be evident from the fact that all the material witnesses have already resiled. Learned counsel in this regard has drawn the attention of this Court to the statement of complainant Surinder Pal (Annexure P-3) wherein he has not supported case of the prosecution and has stated that he had never made any statement except Ex.PW-4/A. In other words he has resiled from his supplementary statement wherein he had nominated the present petitioner and Kulwant Singh as accused.
5. Learned counsel for the petitioner has further submitted that even PW Darbara Singh who was alleged to have seen the co-accused in the company of complainant's daughter has also resiled whose statement has been annexed as Annexure P-2.
6. The learned State counsel while opposing the petition has submitted that since co-accused Kulwant Singh has specifically nominated the petitioner to be an accused in his disclosure statement, the complicity of the petitioner is evident. It has further been submitted that as on today 15 out of cited 24 PWs have already been examined and as such no case for grant of bail is made out.
7. I have considered rival submissions addressed before this Court. A disclosure statement of co-accused can hardly be said to be sufficient

to connect the petitioner with the crime in question. Given the fact that the petitioner has been behind bars since the last about 1 year and 4 months and that the present case is mainly based on circumstantial evidence wherein material prosecution witnesses are already stated to have resiled, further detention of the petitioner will not serve any useful purpose. The petition, as such, is accepted and petitioner-Parminder Kumar @ Binder is ordered to be released on regular bail on his furnishing bail bonds/surety bonds to the satisfaction of learned trial Court/Chief Judicial Magistrate/Duty Magistrate, concerned.

December 17, 2019

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(GURVINDER SINGH GILL)
JUDGE

Whether speaking /reasoned

Yes / No

Whether Reportable

Yes / No